

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Jin-Soo LEE et al.

Serial No.: 09/908,732

Filed: 7/20/2001

For: QUERY SYSTEM USING NON-UNIFORM BIN QUANTIZATION OF
COLOR HISTOGRAM



Confirmation No.: 8698

Group Art Unit: 2625

Examiner: Y. Hung

Customer No.: 34610

PRE-APPEAL BRIEF REQUEST FOR REVIEW

U.S. Patent and Trademark Office
Customer Service Window - Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this Request. This Request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheet.

Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP

Carol L. Druzbeck
Registration No. 40,287

P. O. Box 221200
Chantilly, VA 20153-1200
703 766-3701 CLD/kah
Date: September 29, 2005

REASONS FOR PRE-APPEAL REQUEST FOR REVIEW

Further to a September 21, 2005 personal interview with the Examiner for the above-identified application, Applicants continue to disagree with the rejections of claims 1-2, 8-12, and 18-31 set forth in the Final Rejection dated May 2, 2005 and maintained in the Advisory Action dated August 24, 2005. In the September 21 personal interview, the Examiner agreed that the combination of Bitran and Vishwanath (used to reject independent claims 1 and 11) and the combination of Moed and Wittenstein (used to reject independent claim 21) lacked the proper motivation. Accordingly, the Examiner indicated that he would withdraw these rejections. However, the Examiner refused to be persuaded by Applicants' arguments regarding independent claim 23 rejected over Vishwanath. The Examiner further indicated that Bitran and Moed were poor choices of base references; however, he believed that he would find better base references when he updates his search.

Regarding the rejection of claim 23 over Vishwanath, the Examiner argued that JPEG progressive transmission of compressed data reads on claim 23. The Examiner argued that one of ordinary skill in computer science would recognize that there is no difference between an array of bits and a color histogram bin. That is, the Examiner is corresponding an array of bits or binary representation for each compression value as a color histogram bin and then argues that the JPEG progressive transmission mode transfers a bit from each binary representation in series. Applicants disagree with the Examiner's assertion and believe that the Examiner's interpretations of Vishwanath and the claimed invention are unreasonable. The Examiner further made unreasonable comments regarding potential substitute base references for rejecting independent claims 1, 11, and 21.

Applicants maintain their traversal of the rejections of claims 1-2, 8-12, and 18-31 (set forth in the Final Rejection dated May 2, 2005), for at least the reasons set forth in the Amendment After Final Rejection filed July 29, 2005. It is respectfully requested that said rejections be withdrawn/reversed and the application passed to issuance.